

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appl. No.: 10/701,308

Applicant: Krieter et al

Filed: November 4, 2003

TC/A.U.: 3621

Examiner: Charles Agwumezie

Docket No.: 1300US2

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

APPELLANT'S REPLY BRIEF UNDER 37 CFR 41.41

ATTENTION: Board of Patent Appeals and Interferences

I STATUS OF CLAIMS

1. Claims 1-3 are rejected and the rejection of those claims was appealed in the notice of November 4, 2007.

II GROUNDS OF REJECTION TO BE REVIEWED

1. Whether claims 1-3 are unpatentable under 35 USC 103(a) over Rogers et al Publication 2002/0049549 A1 in view of Johnson Jr. US Pat. no. 6,078,888.

III ARGUMENTS

REJECTION UNDER 35 USC 103(a)

It is respectfully submitted that claims 1-3 patentably distinguish over the rejection of record. Rogers does show a networked fluid dispensing system but that system is disclosed and discussed as though it were already set up and configured. While the pieces are mentioned, there is no discussion (notwithstanding the citations in the Office Action which are only to paragraphs in the reference and not to specific language because there is no language that meets the claimed limitation) the claimed limitation of preparing for registration. Rogers also makes no mention of an address, much less the claimed limitations of an encrypted address or transmission thereof in any of the sections cited in the Office Action or anywhere else that the undersigned could see either visually or by computer search of the document.

While Johnson, Jr. may have unique addresses, the disclosure therein typifies prior art devices where each remote device or unit has a hard-coded identifier which is applied during manufacture. The norm for network devices such as Ethernet and WiFi cards is for each such device to have an address (a MAC address) assigned to the device at the factory and well prior to system connection and configuration. Johnson Jr. has a tag identifier on the card and there is no indication that Johnson Jr.'s POS device assigns that identifier. While the Examiner has stated that Johnson Jr.'s host network 300 generates the tag identification number, one would be hard pressed to incorporate such a system (which resembles factory configuration rather than the central control authorization point, the analog of which is POS device 200 of Johnson.) In fact, Johnson transmits the tag identifier from the tag to the POS device (column 3, lines 10-17).

Applicants' claimed invention however assigns and communicates a unique identifier from the central control authorization point into each remote device. Again, this limitation is nowhere shown nor suggested in the references of record.

There is no suggestion or motivation as to how or why one would apply Johnson Jr. to Rogers and even if one did, one would merely have a prior art device with hard-coded addresses, that specific disclosure apparently being absent from the references of record. The mere fact that both Rogers and Johnson deal with fluid dispensing devices does not provide the motivation to combine features and limitations in a random fashion. There has to be some reason to do so other than Applicants' disclosure. The fact that both dispense fluid is no suggestion to combine. If such were the case, there could never be another fluid dispensing patent issued because such could be rejected on any combination of references which happened to show all of the claimed elements, whether such combination had any validity to one skilled in the art or not.

Claim 1 calls for the central device to be registering a remote location device on the central control device and "assigning and transmitting an encrypted address unique to each said remote location device from said central control authorization point and storing said unique address on said remote location device." These limitations are nowhere shown nor suggested in the references of record.

Thus, it is respectfully submitted that claim 1 patentably distinguishes over the rejection of record.

Accordingly, it is also respectfully submitted that the rejection under 35 USC 103(a) of claims 2 and 3 is in error for the reasons set forth above and should be reversed.

Respectfully submitted,



Douglas B. Farrow
Registration No. 28582
Graco Inc.
PO Box 1441
Minneapolis, MN 55440
(612) 623-6769
pto@graco.com